

135. (Amended) A pharmaceutical composition comprising a combination of a potassium channel activator, said potassium channel activator being an activator of soluble guanylyl cyclase, formulated in a pharmaceutically acceptable solution together with a medicant for delivery by intravascular infusion or injection into a mammal.

153. (Amended) A kit for enhancing the delivery of a medicant to an abnormal brain region and/or to a malignant tumor, comprising:
 a potassium channel activator, said potassium channel activator being an activator of soluble guanylyl cyclase; and
 instructions for using the potassium channel activator for enhancing the delivery of a medicant to an abnormal brain region or to a malignant tumor.

REMARKS

The Office Action and Applicant's Response to Restriction Requirement

The Examiner required restriction, under 35 U.S.C. § 121, and required Applicant to elect a single invention to which the claims must be restricted. The Examiner designated eight claim groups.

In response, Applicant elects designated claim **Group I** (Claims 1-10, 12-24, 48-55, 57-71, 135-144, and 146-160).

Applicant has herein canceled Claims 11, 25-47, 56, 72-134, 145, and 161, as being directed to a non-elected group and has amended Claims 1, 48, 135, and 153, in accordance with Applicant's election, to remove the recitation of "... activators of cyclic GMP-dependent protein kinase," which was directed to non-elected subject matter. Other amendments to Claims 1, 48, 135, and 153, are to delete Markush language, which is made

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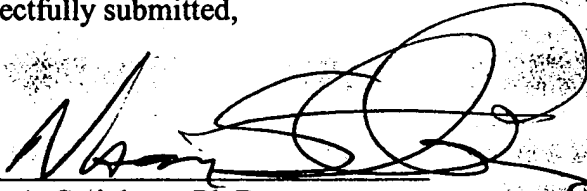
superfluous by Applicant's deletion of "... activators of cyclic GMP-dependent protein kinase", and to otherwise clarify the claims by conforming them to proper English usage after said deletions.

Applicant's election is made with a complete reservation of all rights under 35 U.S.C. § 121.

CONCLUSION

In view of the above amendments and remarks, it is submitted that this application is now ready for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney at (213) 896-6665.

Respectfully submitted,

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Version With Markings to Show Changes MadeIn the Claims:

Please cancel Claims 11, 25-47, 56, 72-134, 145, and 161 without prejudice as being directed to a non-elected group. Please amend claim 1, 48, 135, and 153, as follows.

1.(Amended) A method of delivering a medicant to an abnormal brain region in a mammalian subject, comprising:

administering to a mammalian subject having an abnormal brain region a potassium channel activator[selected from the group consisting of

(A)]. said potassium channel activator being an activator[s] of soluble guanylyl cyclase[; and

(B) activators of cyclic GMP-dependent protein kinase],

under conditions and in an amount sufficient to increase the permeability to the medicant of a capillary or arteriole delivering blood to cells of the abnormal brain region; and

administering to the subject simultaneously or substantially simultaneously with the potassium channel activator the medicant, so that the medicant is delivered selectively to the cells of the abnormal brain region compared to normal brain regions.

48.(Amended) A method of delivering a medicant to a malignant tumor in a mammalian subject, comprising:

administering to a mammalian subject having a malignant tumor a potassium channel activator[selected from the group consisting of

(A)]. said potassium channel activator being an activator[s] of soluble guanylyl cyclase[; and

(B) activators of cyclic GMP-dependent protein kinase], under conditions and in an amount sufficient to increase the permeability to the medicant of a capillary or arteriole delivering blood to cells of the malignant tumor; and

administering to the subject simultaneously or substantially simultaneously with the potassium channel activator the medicant, so that the medicant is delivered selectively to the malignant cells compared to non-malignant cells.

135. (Amended) A pharmaceutical composition comprising a combination of a potassium channel activator[selected from the group consisting of], said potassium channel activator being an activator[s] of soluble guanylyl cyclase[and activators of cyclic GMP-dependent protein kinase], formulated in a pharmaceutically acceptable solution together with a medicant for delivery by intravascular infusion or injection into a mammal.

153. (Amended) A kit for enhancing the delivery of a medicant to an abnormal brain region and/or to a malignant tumor, comprising:

a potassium channel activator[selected from the group consisting of], said potassium channel activator being an activator[s] of soluble guanylyl cyclase[and activators of cyclic GMP-dependent protein kinase]; and

instructions for using the potassium channel activator for enhancing the delivery of a medicant to an abnormal brain region or to a malignant tumor.